HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 7446 of 2007

DATED: 12-04-2007

Between:

V. Ranga Rao

…Petitioner

and

The Anakapalle Municipality, rep. by its Commissioner, Anakapalle, Visakhapatnam and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7446 of 2007

ORAL ORDER:

The petitioner claims to be the owner and in possession of a building bearing Door No. 4-6-37, Nayullaveedhi, Ward No.1, Railway Station Road, Anakapalle. The building has been assessed to property tax and is located in T.S.No.382 Part. Earlier about two decades ago a draft notification was issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') on 12-5-1986 proposing acquisition of part of the houses in Nayullaveedhi. The writ petitioner and others then filed W.P.No.9660 of 1987. The writ petition was allowed on 5-12-1988 and the notification issued under Section 4(1) of the Act was quashed. No steps for acquisition of properties were taken thereafter.

According to the petitioner, during the 3rd and 4th week of February, 2007 the Officers of the respondents have visited the properties in Nayullaveedhi including the petitioner's and commenced taking measurements. On enquiry, the petitioner was informed that the houses are earmarked for demolition for the purpose of road widening of Nayullaveedhi. The petitioner asserts that no notification or any formal process for acquisition of these properties have been initiated either under the provisions of the Act or under the complimentary provisions for acquisition in the Andhra Pradesh Municipalities Act, 1965 or any other law for the time being in force. The petitioner, in the circumstances, apprehends unlawful dispossession by the respondents.

The learned Standing counsel for the respondents Sri S.Nageshwar Reddy has no instructions in the matter.

In the circumstances, the writ petition is disposed of at the stage of admission, directing the respondents not to interfere with the possession or ownership of the petitioner or demolish the properties of the petitioner in Nayullaveedhi, Ward No.1, Railway Station Road, Anakapalle without following due process of law and initiating steps for acquisition of the properties.

The writ petition is disposed of as above, at the stage of admission. There shall be no order as to costs.

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GODA RAGHURAM, J

12-04-2007
GRR